## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VAN BAILEY, : No. 4:22cv1891

Plaintiff : (Judge Munley)

:

v. : (Magistrate Judge Carlson)

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KEVIN KAUFFMAN, et al.,

Defendant

M. ORDER

AND NOW, to wit, this \_\_\_\_ day of April 2024, before the court for disposition is Magistrate Judge Martin C. Carlson's report and recommendation, which proposes the denial of plaintiff's motion for substitution and the dismissal of Defendant Kevin Kauffman from this lawsuit. No objections to the report and recommendation have been filed, and the time for such filing has passed.

Therefore, in deciding whether to adopt the report and recommendation, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, the court finds neither a clear error on the face of the record nor a manifest injustice, and therefore, the report and recommendation shall be adopted. It is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 250) is **ADOPTED**;
  - 2) The plaintiff's motion for substitution (Doc. 248) is **DENIED**;
  - 3) Defendant Kevin Kauffman is DISMISSED from this action; and
- 4) The Clerk of Court is directed to remand this case to Magistrate Judge Carlson for further proceedings.

BY THE COURT:

JUDGE JULIA K. MUNLEY United States District Court